

# EXHIBIT 1

**Exhibit 1**

NO. \_\_\_\_\_

**Mallory CARABAJAL AND Antonio JASSO Plaintiffs,**

**V.**

**XPO LOGISTICS, INC, AKA XPO LOGISTICS, LLC , XPO LAST MILE, INC., DBA XPO LOGISTICS, AND LOWE'S HOME CENTERS, LLC, AND JOHN DOE**

**Defendants**

**§ IN THE DISTRICT COURT OF**

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**HARRIS COUNTY, TEXAS**

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**§**

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**§**

**Judicial District, TEXAS**

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES Mallory Carabajal and Antonio Jasso, hereinafter called Plaintiffs, complaining of and about XPO Logistics, Inc, AKA XPO Logistics, llc , XPO LAST MILE, INC., DBA XPO, Logistics, AND Lowe's Home Centers, LLC, AND John Doe, hereinafter "Defendants", and for cause of action shows unto the Court the following:**

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiffs intends that discovery be conducted under Discovery Level 1.

**PARTIES AND SERVICE**

2. Plaintiff, **Mallory Carabajal**, is an Individual, whose address is 5850 Southville St, Houston, TX 77033..

3. Plaintiff, Antonio Jasso is an individual, whose address is 5850 Southville St., Houston, TX 77033.

4. The last three numbers of **Mallory Carabajal**'s Social security number are \_\_\_\_\_.

Plaintiff does not have a driver's license.

5. The last three numbers of **Antonio Jasso** 's Social security number are \_\_\_\_\_.

Antonio Jasso's last three numbers of his drivers license are \_\_\_\_\_.

6. Defendant are the following:

- i. **XPO Logistics, Inc, AKA XPO Logistics, llc , XPO LAST MILE, INC., DBA XPO, Logistics ("XPO")**, a foreign Connecticut corporation whose principle place of business is located at Five American Lane, Greenwich, CT 06831, is authorized to do business in Texas and may be served with process by serving Registered Agent Solutions, Inc., 1701 Directors Blvd., Suite 300, Dallas, TX 78744.
- ii. **Lowe's Home Centers, LLC** , a foreign North Carolina corporation whose principle place of business is located at 1605 Curtis Bridge Rd., Wilkesboro, NC 28697 USA , is authorized to do business in Texas and may be served with process by serving, CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218 USA.
- iii. **John Doe** is a resident of Texas who resides in Harris County.

#### JURISDICTION AND VENUE

7. The subject matter in controversy is within the jurisdictional limits of this court.

8. Plaintiff seeks:

a. only monetary relief of \$250,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

9. This court has jurisdiction over the parties because the events which gave rise to

this cause occurred in Harris County and a Defendant to the cause resides in Harris County.

10. Venue in Harris County is permissive in this cause.

**FACTUAL ALLEGATIONS**

11. On July 19, 2019, a refrigerator purchase from Lowe's was delivered to Plaintiff's home by XPO under direction and control of Lowe's.

12. The XPO employees, sent by Lowes, that were delivering refrigerators removed Plaintiff's front door to make their work easier and place the refrigerator inside Plaintiff's home. Instead of securing the door they removed or placing it in a place or manner which would be safe and not likely to fall, XPO propped the door upright inside where Plaintiff was injured when XPO, its employee or its agents, failed to safely place or secure a heavy door they had removed from its hinges at the home where Plaintiff inhabited. The unsecured and dangerously placed door fell and struck Plaintiff on her hand causing a fracture. The door also sustained damage and its glass panels shattered making Antonio's home unsafe and susceptible to weather damage, home invasion, and waste of energy through loss of insulating properties for cooling and heating.

**RELIEF**

13. Plaintiff seeks only monetary relief of \$250,000 or less, excluding interest, statutory or exemplary damages and penalties, attorney fees, and court costs.

**REQUEST FOR DISCLOSURE AND DISCOVERY**

14. Pursuant to the provisions of Texas Rule of Civil Procedure 194 and specifically the response provisions of Rule 194.3 each Defendant served is requested to disclose, within 50 days after service of this petition and request, the information or material described in Rule 194.2.

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

PRAYER

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs, Mallory Carabajal and Antonio Jasso, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for Defendant's breach of duty which proximately caused injury to plaintiff and said judgement awards all actual damages, Physical pain in the past and future, mental anguish in the past and future, disfigurement in the past and future, physical impairment in the past and future, medical expenses in the past and future.

Respectfully submitted,

By: /s/ Alex Moheb  
Alex Moheb, J.D., LL.M  
SBN: 24076566  
alex@westhoustonlawfirm.com  
Moheb Law PLLC  
8831 Long Point Rd. Suite 401  
Houston, TX. 77055  
Tel: (832)659-0770  
Fax: (281)715-2838

# EXHIBIT 2

**Exhibit 2**

**HCDistrictclerk.com**

CARABAJAL, MALLORY vs. XPO LOGISTICS INC  
(AKA XPO LOGISTICS LLC)  
Cause: 202143451 CDI: 7 Court: 189

1/6/2022

**SUMMARY****CASE DETAILS**

**File Date** 7/19/2021  
**Case (Cause) Location** Civil Intake 1st Floor  
**Case (Cause) Status** Active - Civil  
**Case (Cause) Type** PERSONAL INJ (NON-AUTO)  
**Next/Last Setting Date** N/A  
**Jury Fee Paid Date** N/A

**CURRENT PRESIDING JUDGE**

**Court** 189<sup>th</sup>  
**Address** 201 CAROLINE (Floor: 12)  
HOUSTON, TX 77002  
Phone:7133686300  
**JudgeName** SCOT DOLLINGER  
**Court Type** Civil

# EXHIBIT 3

**Exhibit 3**



null / ALL

Transmittal Number: 24196271  
 Date Processed: 12/14/2021

## Notice of Service of Process

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<b>Primary Contact:</b>	Heather McClow Lowe's Companies, Inc. 1000 Lowes Blvd Mooresville, NC 28117-8520
<b>Entity:</b>	Lowe's Home Centers, LLC Entity ID Number 2515365
<b>Entity Served:</b>	Lowe's Home Centers LLC
<b>Title of Action:</b>	Mallory Carabajal vs. XPO Logistics, Inc, aka XPO Logistics, LLC
<b>Matter Name/ID:</b>	Mallory Carabajal vs. XPO Logistics, Inc, aka XPO Logistics, LLC (11820951)
<b>Document(s) Type:</b>	Citation/Petition
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Harris County District Court, TX
<b>Case/Reference No:</b>	202143451
<b>Jurisdiction Served:</b>	Texas
<b>Date Served on CSC:</b>	12/13/2021
<b>Answer or Appearance Due:</b>	10 o'clock a.m. on the Monday next following the expiration of twenty days after service
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Certified Mail
<b>Sender Information:</b>	Moheb Law PLLC 832-659-0770

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

CAUSE NO. 202143451

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO: 905133 TRACKING NO: 73893143  
EML

Plaintiff:  
CARABAJAL, MALLORY  
vs.  
Defendant:  
XPO LOGISTICS INC (AKA XPO LOGISTICS LLC)

In The 189th  
Judicial District Court of  
Harris County, Texas  
201 CAROLINE  
Houston, Texas

**CITATION CORPORATE**

**THE STATE OF TEXAS**  
**County of Harris**

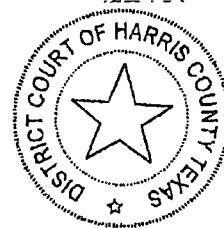
**To: LOWE'S HOME CENTERS LLC (FOREIGN NORTH CAROLINA CORPORATION) BY SERVING  
CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY  
211 E 7TH STREET SUITE 620, AUSTIN TX 78701**

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on July 21, 2021 in the above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

This citation was issued on July 22, 2021, under my hand and seal of said court.



Issued at the request of:

MOHEB, ALEX  
8831 LONG POINT RD. SUITE #401  
HOUSTON, TX 77055  
713-498-0084  
Bar Number: 24076566

*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas  
201 CAROLINE Houston Texas 77002  
(PO Box 4651, Houston, Texas 77210)

Generated By: CYNTHIA CLAUSELL

EML

Tracking Number: 73893143

**CAUSE NUMBER: 202143451**

**PLAINTIFF: CARABAJAL, MALLORY**

vs.

**DEFENDANT: XPO LOGISTICS INC (AKA XPO LOGISTICS LLC)**

**In the 189th  
Judicial District Court of  
Harris County, Texas**

**OFFICER - AUTHORIZED PERSON RETURN**

Came to hand at \_\_\_\_\_ o'clock \_\_\_. M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. Executed at

(Address) \_\_\_\_\_  
in \_\_\_\_\_

\_\_\_\_\_ County at o'clock \_\_\_. M. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by

Delivering to \_\_\_\_\_ defendant, in person, a true copy of this Citation  
together with the accompanying \_\_\_\_\_ copy (ies) of the «Attachment». Petition attached thereto and I endorsed on said  
copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
Fees \$ \_\_\_\_\_

Affiant

By \_\_\_\_\_

Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_  
Notary Public

NO. \_\_\_\_\_

**Mallory CARABAJAL AND Antonio  
JASSO  
Plaintiffs,**

V.

**XPO LOGISTICS, INC, AKA XPO LOGISTICS, LLC , XPO LAST MILE, INC., DBA XPO LOGISTICS, AND LOWE'S HOME CENTERS, LLC, AND JOHN DOE**

### *Defendants*

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**TO THE HONORABLE JUDGE OF SAID COURT:**

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Respectfully submitted,

By: /s/ Alex Moheb  
Alex Moheb, J.D., LL.M  
SBN: 24076566  
alex@westhoustonlawfirm.com  
Moheb Law PLLC  
8831 Long Point Rd. Suite 401  
Houston, TX. 77055  
Tel: (832)659-0770  
Fax: (281)715-2838

**CERTIFIED MAIL®**

S/PW

11212 Westpark #229  
Houston, TX 77042



HOUSTON TX 77042



1000



78701

U.S. POSTAGE PAID  
FCM LETTER  
HOUSTON, TX  
77042  
DEC 08, 21  
AMOUNT

**\$7.58**

R2304M113299-9

Lowes Home Centers LLC  
Serving Agent: "CSC-hawyer's Inc Service Company  
211 E 7th Street, Ste 620  
Austin, TX 78701

78701-321870



# EXHIBIT 4

**Exhibit 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MALLORY CARABAJAL AND ANTONIO

JASSO, §  
Plaintiffs, §  
§  
v. § CIVIL ACTION NO. 4:22-cv-52  
§  
XPO LOGISTICS, INC, AKA XPO §  
LOGISTICS, LLC, XPO LAST MILE, §  
INC., DBA XPO LOGISTICS, AND §  
LOWE'S HOME CENTERS, LLC, AND §  
JOHN DOE §  
Defendant. §

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LIST OF ALL COUNSEL OF RECORD

---

**Counsel for Plaintiffs, Mallory Carabajal and Antonio Jasso**

**Alex Moheb, J.D., LLM**  
State Bar No. 24076566  
**Mohel Law PLLC**  
8831 Long Point Road, Suite 401  
Houston, Texas 77055  
(832) 659-0770  
(281) 715-2838 (fax)

**Counsel for Defendant, Lowe's Home Centers, LLC**

**Donna C. Peavler**  
State Bar No. 00783887  
**B. Kyle Briscoe**  
State Bar No. 24069421  
**Sara K. Scudday**  
State Bar No. 24073675  
**PEAVLER | BRISCOE**  
2215 Westgate Plaza  
Grapevine, Texas 76051  
(214) 999-0550  
(214) 999-0551 (fax)